

To: Lensink, Andy[Lensink.Andy@epa.gov]; 'Sither, John (ENRD)'[John.Sither@usdoj.gov]; 'daniel.pinkston@usdoj.gov'[daniel.pinkston@usdoj.gov]; 'Oakes, Matthew (ENRD)'[Matthew.Oakes@usdoj.gov]
From: Rauchway, Jon
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Christian v. ARCO.Order Denying ARCO's MSJ Granting Ps MSJ--Restoration Damages NOT Barred by CERCLA.pdf

All:

Here is the state court judge's ruling on the CERCLA motions. The judge simply signed the Plaintiffs' proposed order, which granted summary judgment against Atlantic Richfield and in favor of the Plaintiffs on the CERCLA 113(h) and 122(e)(6) issues.

Not surprisingly, the order reflects Plaintiffs' view of CERCLA, which is that it has no effect on their common-law claims for restoration. The order also makes clear that Plaintiffs will perform their remedy on the Anaconda NPL site (at 3, discussing their controller to disburse funds for the cleanup, and at 6-7) and concludes that Plaintiffs' proposed restoration remedy does not conflict with EPA's remedy (at 6-7, 15).

There is no mention of the United States' proposed amicus brief or request to be heard.

Jon

Jonathan W. Rauchway

Davis Graham & Stubbs llp

1550 Seventeenth Street, Suite 500

Denver, Colorado 80202

Tel: 303.892.7216

Fax: 303.893.1379

Cell: 303.903.3298

jrauchway@dgsllaw.com

vcard

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